

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION
January 28, 2004**

The Board of Supervisors of Maricopa County, Arizona convened in Special Session at 9:00 A.M., January 28, 2004, in the Supervisors' Conference Room, 301 W. Jefferson Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Fulton Brock, District 1, Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board, Shirley Million, Administrative Coordinator, David Smith, County Administrative Officer and Paul Golab, Deputy County Attorney.

RESOLUTION ORDERING THE ESTABLISHMENT OF THE MARICOPA COUNTY SPECIAL HEALTH CARE DISTRICT

Item: Adopt a resolution ordering the establishment of the Maricopa County Special Health Care District and Notice of Meeting. (C18040247) (ADM4496)

Tom Manos, Chris Keller and Bill Sims came forward to discuss what Mr. Manos called one of the first significant items in the transfer of MIHS to the new Health Care District. That was to approve the resolution to form the District. He explained that it was basically forming the "shell" of the District and establishing the Board of Supervisors as the Board of Directors for the District. The Board of Directors will oversee the transfer of hospital operations to the newly elected Board of Directors that will be elected at the general election in November 2004.

This action also sets a meeting of the District's Board of Directors for Monday, February 2, 2004, when a chairman and vice chairman will be elected and a secretary appointed. It is stipulated that the secretary not be a member of the Board of Directors pursuant to ARS § 48-5004.

Motion was made by Supervisor Stapley to adopt the "Resolution Ordering the Establishment of the Maricopa County Special Health Care District and Notice of Meeting." Supervisor Stapley read the Resolution into the record as part of his motion. (C18040247) (ADM4496)

**RESOLUTION ORDERING ESTABLISHMENT OF
MARICOPA COUNTY SPECIAL HEALTH CARE DISTRICT
AND NOTICE OF MEETING**

WHEREAS, pursuant to A.R.S. § 48-5501.01, the Maricopa County Board of Supervisors submitted to Maricopa County voters at the November 4, 2003, general election the question of forming a special health care district, and

WHEREAS, a majority of the qualified electors in Maricopa County voting on the issue did vote "yes" to form the special health care district as set forth in the Canvass of the Official Results adopted by the Board of Supervisors on November 19, 2003, and

WHEREAS, upon approval by the voters, A.R.S. § 48-5501-.01 requires the Board of Supervisors to order the establishment of the special health care district;

NOW, THEREFORE, BE IT ORDERED AND RESOLVED that:

The Maricopa County Board of Supervisors hereby orders the establishment of the Maricopa County Special Health Care District ("District") effective on this date;

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- A. Pursuant to A.R.S. § 48-5501.01, the Maricopa County Board of Supervisors shall serve as the Board of Directors of the District ("District Board") until the next general election;
- B. Pursuant to A.R.S. § 48-5501.01, the boundaries of the District shall be coterminous with the boundaries of Maricopa County and include both the incorporated and unincorporated areas of Maricopa County;
- C. Pursuant to A.R.S. § 38-431.02, notice of this meeting, and all public and executive meetings of the District Board shall be posted on the bulletin board located in the lobby, first floor, Maricopa County Administration Building, 301 West Jefferson, Phoenix, Arizona, indicating the date, time and place of the meeting and an agenda for the meeting or information on how the public may obtain an agenda for the meeting. Notice is hereby given to the general public that the District Board will take up the items listed on Exhibit A hereto at the following time and place:

February 2, 2004, 9:00 a.m. in the Supervisors' Conference Room, 301 West Jefferson, 10th Floor, Phoenix, Arizona

DATED this 28th day of January 2004, by order of the Board of Supervisors.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

The Supervisors commented on the importance of establishing the new Health Care District with the highest degree of integrity and responsibility for all involved parties. Regardless of the urgency imposed by the short turn-around time, it was understood that it is vital to "do it right from the beginning" in order to facilitate the take-over duties for newly elected Health Care Board members faced with implementing a complex and unfamiliar undertaking on January 1, 2005.

Supervisor Stapley's motion was seconded by Supervisor Wilcox, and unanimously carried (5-0).

**INTERGOVERNMENTAL AGREEMENT - PROVIDING FOR THE TRANSFER OF PERSONNEL -
CONTINUED**

Item: Approve the Intergovernmental Agreement between Maricopa County, Arizona, and the Maricopa County Special Health Care District providing for the transfer of personnel and related matters, in substantially the form presented upon approval of the final form of the agreement by County Counsel. (C18040252)

Chairman Kunasek made the following announcement:

"Due to issues of a technical nature, we will not hear the IGA today. It will be continued until our meeting next Monday (February 2, 2004).

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Let me state here for the record that it is my intention that the IGA being finalized will transfer employees from the County to the Maricopa County Special Health Care District with terms, conditions and benefits of employment that are equal to the terms, conditions and benefits of their employment with Maricopa County today."

David Smith commented that within five days the Board would receive the basic building blocks to make the new Health Care District a reality as it is "fleshed out" for them in the completed IGA at next Monday's meeting.

Chairman Kunasek confirmed with Mr. Keller that there would be two separate meetings next Monday, (February 2, 2004) the Board of Supervisors and the Board of Directors of the new Health Care District. Mr. Keller reported that the MIHS employees would not be transferred to the District on February 2, 2004, but the groundwork would be set at that meeting for their transfer on January 1, 2005.

RECESS TO EXECUTIVE SESSION

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to recess and reconvene in Special Executive Session to consider items listed on the Special Executive Agenda dated January 28, 2004, as follows:

LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION -- ARS §38-431.03(A)(3) AND (A)(4)

**1. Contract Negotiations: Amendment to OB House Staff Contract
Legal Advice: Contract: Amendment to OB House Staff Contract**

Richard M. Romley, County Attorney
Christopher C. Keller, Chief Counsel, Division of County Counsel
Louis Gorman, Deputy County Attorney, Division of County Counsel
Tom Manos, Chief Financial Officer
Bill Sims, Outside Counsel

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; CONTRACTS SUBJECT TO
NEGOTIATION - ARS §38-431.03(A)(3) AND (A)(4)**

**2. Contract Negotiations: MedPro C90020591, Amendment No. 4
Legal Advice: contract: Potential Litigation: Delivery of Services in Department of OB/GYN**

Richard M. Romley, County Attorney
Christopher C. Keller, Chief Counsel, Division of County Counsel
Louis Gorman, Deputy County Attorney, Division of County Counsel
Tom Manos, Chief Financial Officer
Mark Hillard, CEO, Maricopa Integrated Health Systems
Pat Walz, CFO, Maricopa Integrated Health Systems
Bill Sims, Outside Counsel

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LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION -- ARS §38-431.03(A)(3) AND (A)(4)

3. Negotiation issues regarding Contract RFP-Serial 03254

Christopher C. Keller, Chief Counsel, Division of County Counsel
Tom Manos, Chief Financial Officer
Shawn Nau, Director, Health Care Mandates
Steve Dahle, Procurement Officer
Bill Sims, Outside Counsel

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board